

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FERNANDO MORALES,

Plaintiff,

v.

No. CV 08-0966 JB/LAM

**DONA ANA COUNTY DETENTION
CENTER MEDICAL DEPARTMENT,**

Defendant.

SECOND ORDER TO CURE DEFICIENCY

THIS MATTER comes before the Court *sua sponte*. On October 27, 2008, the Court entered an *Order to Cure Deficiency* (Doc. 3), requiring Plaintiff to pay the filing fee or file a motion and affidavit for leave to proceed in *forma pauperis*.¹ Plaintiff has not complied with the order or otherwise responded showing cause why these requirements should be excused. Plaintiff's failure to comply with the Court's order or statutory requirements, or to show cause for excusing the failure, constitutes grounds for dismissing his complaint. See *Baker v. Suthers*, No. 00-1332, 9 Fed. Appx. 947, 950, 2001 WL 617549 (10th Cir. June 5, 2001) (unpublished). The Court will, however, allow Plaintiff an additional fifteen (15) days to either file a motion and affidavit for leave to proceed in *forma pauperis*, or pay the required filing fee of \$350. Failure to comply with this order may result in dismissal of this action without further notice.

IT IS THEREFORE ORDERED that Plaintiff either file a motion and affidavit for leave to proceed in *forma pauperis*, or pay the required filing fee of \$350, **by Thursday, April 23, 2009**.

¹The Court notes that the *Order to Cure Deficiency* (Doc. 3) incorrectly states that Plaintiff submitted a motion to proceed in *forma pauperis*. Plaintiff has not submitted such a motion.

IT IS FURTHER ORDERED that the Clerk is again directed to mail to Plaintiff, together with a copy of this order, the following forms: 2 copies each of Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Financial Certificate.

IT IS SO ORDERED.

Lourdes A. Martinez
LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE